



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Re

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/221,656 12/23/98 YAMAMOTO

T

LM02/0321
JOSEPH R. KEATING, ESQ.
GRAMHAM & JAMES LLP
801 S. FIGUEROA STREET, 14TH FLOOR
LOS ANGELES CA 90017-5554

EXAMINER

POINVIL, F

ART UNIT	PAPER NUMBER
----------	--------------

2768

DATE MAILED: 03/21/00

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/221,656

Applicant(s)

YAMAMOTO et al.

Examiner

Frantzy Poinvil

Group Art Unit

2768



☒ Responsive to communication(s) filed on Feb 5, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 8-73 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 8-73 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2768

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 33-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima (5,168,445) et al in view of Rembert (5,101,352).

As per claims 33, 40, 50, 52 and 71, Kawashima et al discloses a method and system for allowing a retail shop to automatically order goods. The system comprises receiving data identifying actual number of units of a good sold by a sample retail outlet. Note column 2, lines 62-65. The system also comprises estimating a total number of units of the good sold for the retail outlet and scaling-up the received data (note column 3, lines 1-26); predicting future demand for the good based on the estimated total number of units of the good sold (note column 3, line 40 to column 4, line 12). The step of determining a production quantity of the good based on the predicted future demand and an order amount which is equivalent to the claimed "production quantity" based on the predicted future demand is made are taught. Note the abstract and column 4, lines 44-56. While a single outlet or store or supermarket is recited, it

Art Unit: 2768

would have been obvious to the skilled artisan to note that most supermarkets are one in a group or chain of supermarkets or stores and doing the same in the system of Kawashima for a total number of outlets for a total number of units of goods sold for a number of stores or outlets would have been obvious to the skilled artisan so that necessary inventory of all the stores in a chain of stores is made also to always provide necessary goods to all the store outlets as demand is being made.

Steps or means for determining required quantities of raw materials required for manufacturing the production quantity of the good is not taught by Kawashima et al. Transferring a production amount for manufacturing of a particular product is well known in the art. Rembert teaches a Material Requirements Planning system which determines required quantities of raw materials for manufacturing a production quantity of a particular good. Note the abstract and column 1, line 13 to column 2, line 68 of Rembert. It would have been obvious to one of ordinary skill in the art at the time of the invention to determine the required quantities of raw materials required for manufacturing the production quantity of goods by introducing the MRP system of Rembert into Kawashima so that the desired goods are timely produced and delivered. The main control unit is equivalent to elements 1 and 7, the production controller is equivalent to elements 3 and 12. The output device for outputting data indicative of the production quantity determined by the production size determining unit is equivalent to elements 4, 5 and 14 of figure 1 of Kawashima et al.

Art Unit: 2768

As per claims 34 and 53, if a plurality of stores or supermarkets are contemplated, receiving the plurality of data through a communication channel would have been obvious to the skilled artisan in the combined system of Kawashima and Rembert in order to provide a remotely rapid and safe transmission of data among the different stores and a main office.

As per claims 41-44, Rembert teaches that required materials are based on either one of two modes, net change or regenerative. Net change is based on changes in materials and capacity requirements which result from changes in demand, supply and on hand balances which have occurred since the last time the MRP system was updated. Regenerative is placed on deleted and rebuilt of MRP from existing orders, purchase orders and work orders. Note column 11, line 40 to column 12, line 46 of Rembert. Determining required raw quantities based on at least order backlog quantities of raw materials for which an order has been sent to a supplier and the supplier has acknowledged receipt of the order would have been obvious to the skilled artisan because a backlog quantity is equivalent to an indication that an order for raw materials is late and not in time, which may result in the store having a low quantity of that needed product. When ordering or determining required raw materials, it would have been obvious to the skilled artisan to take into consideration amount that was previously ordered and not yet received (backlog quantities) and the currently desired amount so that the appropriate amount for the production of a certain good is always ordered, thereby preparing for a production lead time and providing an appropriate schedule for the production or receipt of the particular product or good. In so doing, the order backlog would have been modified and a correspondence would have been sent to the

Art Unit: 2768

supplier. Depending upon the status of the order by the supplier, the appropriate modification would have been made so that the currently needed raw materials are always ordered.

As per claims 45-47, 66-68 note column 1, line 13 to column 2, line 55 of Rembert as these are necessary factors in an MRP system.

As per claims 48-49 and 69-70, note column 6, lines 8-17 and column 10, lines 26-34 of Rembert.

As per claim 55, Rembert discloses providing a product category. Note column 25, lines 39-55 of Rembert.

As per claim 59, note column 25, lines 39-55 and column 11, lines 40-64 of Rembert.

As per claims 60-64, applicant is directed to the rejection of claims 41-44 respectively.

As per claim 65, applicant is directed to column 25, lines 39-55 of Rembert.

3. Claims 8-32 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima (5,168,445) et al and Rembert (5,101,352) considered with Beasley et al (US Patent No. 4,827,423).

As per claims 8, 13, 19 and 28, Kawashima et al discloses an automatic ordering system. The system determines quantities of goods to be produced in the future for a plurality of goods based on sales information. Applicant is directed to column 3, line 40 to column 4, line 12 of Kawashima et al. An output device for outputting data indicative of the production quantity determined by the production size determining unit is illustrated by elements 4, 5 and 14 of figure 1 of Kawashima et al.

Art Unit: 2768

Kawashima et al does not explicitly disclose a manufacturing unit. Rembert discloses a production system comprising receiving sales information (column 5, lines 45-65), a main production controller including a production size determining unit for determining a production quantity to be produced in the future for the plurality of goods based on the sales information (column 11, lines 20-48). Rembert does not state to include a plurality of sales terminals and scaling up a plurality of products. However supermarkets or stores are known to be in a chain of supermarkets or stores having a plurality of products. If such is contemplated, receiving sales information from the plurality of point of sales terminals would have been obvious to the skilled artisan in order to provide a remotely rapid and safe transmission of data to a remote computer. Kawashima et al discloses a method and system for allowing a retail shop or point of sale terminals to automatically order goods. The system comprises receiving data identifying sales information concerning sales of a plurality of goods. Note column 2, lines 62-65 of Kawashima et al. The system also comprises a main control unit (7) including an input device (1, 11) for receiving information. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Kawashima et al with Rembert in order to determine a production quantity for the products in the plurality of sales terminals or stores in order to timely deliver products for the chain stores.

The combination of Rembert and Kawashima et al fails to teach a manufacturing unit for manufacturing the plurality of goods based on collected sales information at the plurality of sales terminals and transmitted from the plurality of point of sales terminal to the main production

Art Unit: 2768

controller. These teachings are taught by Beasley et al. Note column 9, lines 9-13, column 10, lines 26-39 and column 15, lines 10-61 of Beasley et al. Beasley et al teaches manufacturing the production quantity of the goods in response to received data indicative of a production quantity. It would have been obvious to the skilled artisan to incorporate the teaching of Beasley et al into the combination of Rembert and Kawashima et al in order to manufacture a received quantity of products for accurate and timely producing and delivering of the products to the plurality of sales terminals.

As per claims 9-12, having a public network for interconnecting the plurality of point of sales terminals and the main controller and a public network for interconnecting the main control unit and the production unit would have been obvious to the skilled artisan in the combination of Rembert, Kawashima et al and Beasley et al for instant communication purposes and for the rapid receipt and transmission of information.

As per claim 14, the main control unit of Rembert comprises a host computer and the production size determining unit is a computer program being executed on the host computer.

As per claims 15-17 and 29 note the teachings of Rembert and column 17, column 37, lines 32-68 and column 48, lines 8-32 of Beasley et al.

As per claim 18, the name of the goods sold and the quantity of the goods sold are inherent features in the combined teachings above.

Art Unit: 2768

As claims 20-21, transmitting the sales information to the main control unit at a periodic time interval or at a daily interval would have been obvious to the skilled artisan for inventory control and restocking purposes.

Claim 22 contains limitations recited in claim 8, and these limitations are likewise rejected. As per the claimed manufacturing controller controlling a plurality of production drive units for controlling manufacture of the production quantity of the plurality of products determined by the main controller, applicant is directed to column 30, line 9 to column 34, line 57, column 2 and column 9, lines 44-53 of Beasley et al.

As per claim 23, note column 9, lines 44-53 of Beasley et al.

As per claims 24 and 25, having a public communications network connecting the point of sales to the flexible manufacturing subsystem would have been obvious to the skilled artisan in the combination of Rembert, Kawashima et al and Beasley et al for instant communication purposes and the rapid receipt and transmission of information.

As per claim 26, note the teachings of Rembert and column 17, column 37, lines 32-68 and column 48, lines 8-32 of Beasley et al.

As per claim 27, the system of Rembert and Beasley et al comprises means for receiving sales information and a central processor for executing a program to determine the production quantity of the products to be produced in the future. The system of -Beasley et al further comprises an output device for outputting the production quantity to a manufacturing controller. Note columns 8-9 of Beasley et al.

Art Unit: 2768

As per claims 30-31, transmitting the sales information via a public information network would have been obvious to the skilled artisan for instant communication purposes and the rapid receipt and transmission of information.

As per claim 32, note column 8-9 of Beasley et al.

As per claim 51, applicant is directed to column 9, lines 45-52 of Beasley et al.

4.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil, whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

The fax phone number for this Art Unit is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

FP

14Mar00


Frantzy Poinvil
Primary Examiner
Art Unit 2768